

SENATE BILL 715

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 29,  
Chapter 34, relative to certain recreational  
activities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, is amended by adding the following as a new part:

29-34-501. This act shall be known and may be cited as the "Roller Skate Liability Act".

29-34-502. For the purposes of this part, unless the context otherwise requires:

(1) "Operator" means a person who owns, controls or has operational responsibility for a roller skating facility, or the agent of that person;

(2) "Roller skater" means an individual wearing roller skates, inline skates or other such devices while in a roller skating rink for the purpose of recreational or competitive roller skating;

(3) "Roller skating rink" means a building, facility or premises that provides an area specifically designed to be used by the public for recreational or competitive roller skating; and

(4) "Spectator" means an individual who is present in a roller skating rink only for the purpose of observing recreational or competitive roller skating.

29-34-503.

(a) An operator shall not be liable for damage or injuries to a roller skater or spectator where the operator complies with § 29-34-504.

(b) A person who participates as a roller skater at a roller skating rink operated in accordance with § 29-34-504 assumes the risk of injury or damage that may occur as a result of that participation and shall comply with § 29-34-505.

(c) A spectator at a roller skating rink operated in accordance with § 29-34-504 assumes the risk of injury or damage that may occur as a result of being a spectator and shall comply with § 29-34-505.

29-34-504.

(a) An operator shall:

(1) Provide at least one (1) individual to act as a skating rink monitor for approximately every two hundred (200) skaters when such roller skating rink is open to the public;

(2) Conduct periodic inspections of the roller skating equipment and all other equipment in a manner that ensures a safe operating condition;

(3) Post in conspicuous places the duties and expectations of skaters and spectators as prescribed by this part;

(4) Maintain liability insurance coverage of at least one million dollars (\$1,000,000) per single incident for personal-injury, death or property damage; and

(5) Maintain accurate records and daily logs for the roller skating facility.

(b) The rink monitor shall:

(1) Wear appropriate attire that identifies the individual as a rink monitor;

(2) Direct and supervise skaters and spectators;

(3) Watch for and remove in a timely manner any foreign objects that may have fallen on the roller surface; and

(4) Inspect and maintain, or request maintenance of, the roller surface, floors, railings, boards and walls surrounding the surface in a manner that will ensure the good condition of those areas.

29-34-505.

(a) Skaters in a roller skating rink shall:

(1) Comply with all posted signs and warnings that relate to the skater's behavior while participating in roller skating at the roller skating rink;

(2) Obey all instructions or warnings given by the rink monitor, rink personnel or rink operator;

(3) Maintain reasonable control over skate speed and direction at all times;

(4) Be aware that there are other skaters and objects on the roller surface and take reasonable care to avoid collision with those skaters or objects; and

(5) Be aware that ability and skill levels of roller skaters vary and each individual must take reasonable care to roller skate within the individual's personal abilities.

(b) Roller skaters shall not act in a manner that may cause injury or damage to others or their property.

(c) Spectators shall comply with each posted sign or warning that relates to the behavior of the spectator.

29-34-506.

(a) This part shall not limit the liability of one (1) roller skater or spectator to another roller skater or spectator.

(b) This part shall not apply where an operator engages in behavior that amounts to gross negligence, or willful or wanton conduct.

SECTION 2. Tennessee Code Annotated, Title 29, Chapter 34, is further amended by adding the following as a new part:

29-34-601. No operator of a skateboard park shall permit any person to ride a skateboard in such skateboard park unless such person is wearing a helmet, elbow pads and knee pads.

29-34-602. Any skateboard facility owned or operated by a governmental entity that is designed and maintained for recreational skateboard use, and that is not supervised on a regular basis, shall post signs that are readily visible indicating that safety equipment must be worn while using a skateboard in the skateboard facility. The signs shall be not less than eight and one-half inches by five and one-half inches (8½" x 5½"), and shall contain the following language: IF YOU ARE RIDING A SKATEBOARD IN THIS FACILITY YOU MUST WEAR A HELMET, ELBOW PADS AND KNEE PADS. FAILURE TO DO SO IS A VIOLATION OF T.C.A. § 29-34-604 AND IS PUNISHABLE BY LAW.

29-34-603.

(a) A person who rides a skateboard at a skateboard facility operated in accordance with this part assumes the risk of injury or damage that may occur as a result of that participation and shall comply with § 29-34-604.

(b) A spectator at a skateboard facility operated in accordance with this part assumes the risk of injury or damage that may occur as a result of being a spectator.

29-34-604.

(a) Persons riding skateboards in a skateboarding facility shall:

(1) Wear a helmet, elbow pads and knee pads;

(2) Comply with all posted signs and warnings that relate to the skateboarder's behavior while participating in skateboarding at the skateboarding facility;

(3) Obey all instructions or warnings given by any official at the skateboarding facility;

(4) Maintain reasonable control over skateboard speed and direction at all times;

(5) Be aware that there are other skateboarders and objects on the surfaces of the skateboarding facility and take reasonable care to avoid collision with those skateboarders or objects; and

(6) Be aware that ability and skill levels of skateboarders vary and each individual must take reasonable care to perform skateboard stunts and activities within the individual's personal abilities.

(b) Skateboarders shall not act in a manner that may cause injury or damage to others or their property.

(c) Spectators shall comply with each posted sign or warning that relates to the behavior of spectators.

29-34-605. An operator of a skateboarding facility shall:

(1) Provide at least one (1) individual to act as a skateboarding monitor whenever such skateboarding facility is open to the public;

(2) Conduct periodic inspections of the skateboarding equipment and all other equipment in a manner that ensures a safe operating environment;

(3) Post in conspicuous places the duties and expectations of skateboarders and spectators as prescribed by this part;

(4) Maintain liability insurance coverage of at least one million dollars (\$1,000,000) per single incident for personal-injury, death or property damage; and

(5) Maintain accurate records and daily logs for the skateboarding facility.

29-34-606.

(a) This part shall not limit the liability of one (1) spectator or person riding a skateboard to another spectator or a person riding a skateboard.

(b) This part shall not apply where an operator engages in behavior that amounts to gross negligence, or willful or wanton conduct.

SECTION 3. This act shall take effect July 1, 2013, the public welfare requiring it.